

IN THE DRAWINGS:

Please substitute the twelve (12) REPLACEMENT SHEETS of drawings being submitted herewith for all the Figures originally submitted. No new matter has been added.

REMARKS

Applicant respectfully requests reconsideration of this application. Claims 19 and 45 have been amended. Claim 49 has been canceled. No new matter has been added.

Applicant has also added Figures 18 and 19. The replacement sheets for the drawings are included herewith. Applicant submits that the newly added figures do not contain any new matter as the figures are based on page 21 of the original specification. Page 5 and page 21 of the specification have been amended to be consistent with the added figures. The remarks in connection with claim rejections refer to the claims as amended herein.

Summary of the Office Action

The drawings are objected to under 37 C.F.R. § 1.83(a).

The specification is objected to under 35 U.S.C. § 132(a) for allegedly introducing new matter into the disclosure.

Claims 19-21, 24-26 and 45-50 stand rejected under 35 U.S.C. § 112, first paragraph for failing to comply with (1) the written description requirement and (2) the enablement requirement.

Detailed Remarks

Drawing Objection

Figures 18 and 19 have been added. Applicant submits that the added figures illustrate the claimed device of Claims 19-21, 24-26, 45-48 and 50. Applicant further submits that the newly added figures (Figures 18 and 19) *do not contain any new matter*, as Figures 18 and 19 are based on and supported by page 21 of the original specification. Applicant respectfully submits that the drawing objection has been overcome.

Specification Objection

The specification has been amended to be consistent with the amended figures. Again, Applicant reiterates that no new matter has been added.

Claim Rejections – 35 U.S.C. § 112, Written Description Requirement

Claims 19-21, 24-26 and 45-50 stand rejected under 35 U.S.C. § 112, first paragraph for failing to comply with the written description requirement. Applicant respectfully disagrees.

Claims 19 and 45

With respect to Claims 19 and 45, Applicant submits that the original specification sufficiently describes the claimed subject matter. For example, pages 7-9 of the original specification disclose an embodiment of a handheld computer 100, illustrated by Figures 1 and 2 of the drawings. More specifically, the embodiment described in these pages includes a **first segment 110** with a display assembly 125 (see page 8, lines 7-9) and a **second segment 120 with a plurality of actuatable mechanisms** (page 8, lines 9-10).

In addition, the original specification describes other embodiments of the handheld computer 100 in the last paragraph of page 21. The last paragraph states that “other embodiments (FIG. 18 and FIG. 19) may provide for a similar configuration to be used for a *width of handheld computer 100*, where lateral sides 105, 105 can be moved closer to or further away from each other by first segment 110 and second segment 120.” Thus, handheld computer 100 (which was sufficiently described in pages 7-9 to include a *second segment with input mechanisms*) can be configured to extend or contract so that its *width* can be maximized or minimized, as recited in Claims 19 and 45.

Furthermore, in other embodiments described in the specification, handheld computer 100 is configured so that at least a portion of the second segment 120 *overlays* the first segment 110 when the handheld computer 100 is in a contracted position (see Figures 10 and 11). The second segment 120 is also *external to the first segment 110*.

As a result, Applicant’s original specification discloses a mobile device capable of (i) **varying its width**, (ii) having a second segment **overlying** and being **external to** the first segment, and (ii) having a second segment including a set of one or more **input mechanisms**, as described in Claims 19 and 45.

The original specification also describes an embodiment where the second segment *partially blocks the display assembly* of the first segment when the second segment is in the contracted position (see page 9; Figures 1 and 2, where the display assembly 125 is partially blocked by the second segment 120 in Figure 2). This embodiment is claimed by Claim 45.

Thus, when the embodiments described in pages 7-9, for example, are viewed with the last paragraph of page 21 of the Applicant's specification (and with the accompanying figures), Applicant submits that the subject matter claimed in Claims 19 and 45 has been sufficiently described so that the claims comply with the written description requirement of 35 U.S.C. § 112, first paragraph.

Applicant also respectfully submits that the burden is on the Examiner with regard to the written description requirement (MPEP 2163.04). A description as filed is ***presumed to be adequate***, unless or until sufficient evidence or reasoning to the contrary has been presented by the Examiner to rebut the presumption. See, e.g., *In re Marzocchi*, 439 F.2d 220, 224.

For at least the reasons provided above, Applicant respectfully submits that the Examiner has not provided sufficient evidence to rebut the presumption that the description as filed is adequate. Applicant's specification and accompanying figures provide sufficient description to support the claimed embodiments of Claims 19 and 45.

Claims 20-21 and 24-26

Claims 20-21 and 24-26 depend from Claim 19. For at least the reasons discussed above, Claim 19 complies with the written description requirement of 35 U.S.C. § 112, first paragraph. Thus, Claims 20-21 and 24-26 also comply with the written description requirement for the same reasons set forth above.

In addition, Claim 24 contains the limitation of a midframe coupled to the first segment and the second segment. Applicant submits that the original specification provides sufficient description for the claimed embodiment. For example, page 14 of the specification discusses a **midframe 145** that forms a peripheral strip of the housing for a handheld computer 100 between the front shell

142 and the back shell 144 (of the first segment 110). This midframe also has one or more rails 159 for receiving a connecting element of second segment 120. Thus, when page 14 of the specification is viewed with the last paragraph of page 21 of the specification, for example, the subject matter claimed in Claim 24 is sufficiently described in the original specification.

Similarly, with respect to Claims 25 and 26, when the embodiments described in page 14, for example, are viewed with the last paragraph of page 21 (which discusses embodiments for *varying the width of a handheld device*), Applicant submits that the subject matter claimed in Claims 25 and 26 has been sufficiently described so that the claims comply with the written description requirement.

Claims 46-48, and 50

Claims 46-48 and 50 depend from Claim 45. For at least the reasons discussed above, Claim 45 complies with the written description requirement of 35 U.S.C. § 112, first paragraph. Thus, Claims 46-48 and 50 also comply with the written description requirement for the same reasons set forth above.

Applicant submits that the “multi-directional mechanism” described in Claim 47 is sufficiently described in the original specification. For example, pages 9 and 10 of the specification state that a “multi-directional component 134” may be “formed from buttons, contact-sensitive surfaces, or other mechanical switches.” The multi-directional component can be provided on the front panel of the second segment 120.

Furthermore, Claim 48 recites that “one or more of the input mechanisms” includes “a plurality of one or more mechanical input mechanisms.” An example of an input mechanism can be seen in Fig. 1 and 2 of the drawings and page 9 of the specification (where items 132 are actuation mechanisms). These input mechanisms can be “mechanical switches,” as described in Claim 48.

The specification also discloses an embodiment where the second segment is configured to “slide” towards and away from the first segment. For example, page 4 of the specification recites that Figures 10 and 11 illustrate a handheld computer

formed by a first segment that is “slideable” to a second segment. This supports the claimed embodiment of Claim 50.

Thus, when the embodiments described in pages 4 and 9-10, for example, are viewed with the last paragraph of page 21 (which discusses an embodiment for *varying the width of a handheld device*), Applicant submits that the subject matter claimed in Claims 46-48 and 50 has been sufficiently described so that the claims comply with the written description requirement.

Claim Rejections – 35 U.S.C. § 112, Enablement Requirement

Claims 19-21, 24-26 and 45-50 stand rejected under 35 U.S.C. § 112, first paragraph for failing to comply with the enablement requirement. Applicant respectfully disagrees.

Claim 19

Claim 19 states that “when the second segment is in the contracted position, at least a portion of the second segment overlays and is external to the first segment.” As discussed previously, Figures 10 and 11 illustrate an example of the handheld computer with the second segment 120 overlaying and being external to the first segment 110. In addition, page 8 of the specification illustrates an embodiment where the front panel of the second segment 120 provides a plurality of actuatable mechanisms. Thus, a person skilled in the art **can recognize** how “a set of one or more input mechanisms” can be exposed on the second segment. Applicant respectfully submits that the claimed subject matter has been sufficiently described in the specification to enable one skilled in the art to make and/or use the invention.

Claims 20-21 and 24-26

Claims 20-21 and 24-26 depend from Claim 19. For at least the reasons discussed, Claim 19 complies with the enablement requirement of 35 U.S.C. § 112, first paragraph. Thus, Claims 20-21 and 24-26 also comply with the enablement requirement for the same reasons set forth above.

Claim 45

Claim 45 recites, in part, “wherein when the second segment is in the contracted position, at least a portion of the second segment overlays and is external to the first segment so that the display assembly is partially blocked.” The original specification describes an embodiment where ***the second segment partially blocks the display assembly of the first segment*** when the second segment is in the contracted position (see page 9; Figures 1 and 2, where the display assembly 125 is partially blocked by the second segment 120 in Figure 2). Thus, a person skilled in the art can recognize how the display assembly found on the first segment can be partially blocked when the second segment is in the contracted position. Applicant respectfully submits that the claimed subject matter has been sufficiently described in the specification to enable one skilled in the art to make and/or use the invention.

Claims 46-48, and 50

Claims 46-48 and 50 depend from Claim 45. For at least the reasons discussed above, Claim 45 complies with the enablement requirement of 35 U.S.C. § 112, first paragraph. Thus, Claims 46-48 and 50 also comply with the enablement requirement for the same reasons set forth above.

For reasons that include those stated, Applicant submits that the objections and rejections are overcome. Applicant respectfully requests a Notice of Allowance.

CONCLUSION

A Notice of Allowance is respectfully requested. If there are any questions or comments that the Examiner wishes to direct to Applicant's attorney, the Examiner is invited to call Applicant's attorney at (408) 551-6632.

If an extension of time is required in connection herewith, Applicant hereby petitions for such extension.

Applicant hereby authorizes deposit account 501914 to be charged for any fee due in connection with this submission, including any extension of time fee.

Respectfully submitted,

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